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October 15, 1958

CONCORD, N.H.

Mr. Alfred S. Cloues  
State Treasurer  
State House  
Concord, New Hampshire

Dear Mr. Cloues:

This morning you verbally requested our opinion as to whether or not you are authorized to accept a check in the sum of \$2500 from the Marion S. Potter Charitable Trust. This check was received from John R. McLane, Jr., Secretary of the Spaulding Charitable Trusts, and was given "To be spent by the Advisory Board of Institutions, Corrections and Hospitals for the purpose of dissemination and discussion of the A.P.A.'s report 'A Mental Health Program for New Hampshire'."

Acceptance is an essential prerequisite to a valid gift. Certain state officials and agencies are specifically authorized to accept gifts on behalf of the state. The State Board of Health, for example, is authorized to accept gifts for purposes of carrying out the Maternal Child Health and Crippled Children's Services (RSA 132:2). The State Hospital may accept donations or bequests of personal property (RSA 135:11). The State Treasurer is authorized to accept donations to the Police Retirement Fund (RSA 103:11) and to receive donations of money for purposes of purchasing, maintaining or improving state forest reservations and buildings. (RSA 249:6). In addition to those specific provisions the Governor under RSA 4:8 is given general authority to accept gifts of personal property in the name of the state.

The Board of Institutions, Corrections and Hospitals was established by Chapter 164 of the Laws of 1957. The Board is not given authority to accept gifts. In those circumstances it is our opinion that the Governor alone is authorized to accept the donation in question. We suggest that you advise the officials of the Spaulding Charitable Trusts of our opinion in this respect so

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Mr. Alfred S. Cloues  
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that appropriate measures may be taken to determine whether the Governor is inclined to accept the donation.

Very truly yours,

Elmer T. Bourque  
Assistant Attorney General

ETB/g